

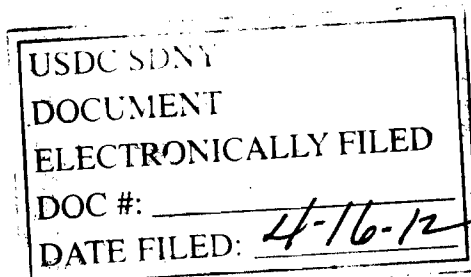
PAUL HASTINGS

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April 12, 2012

VIA FACSIMILE

Chambers of Hon. Cathy Seibel
United States District Judge
The Hon. Charles L. Brieant Jr.
Federal Building and Courthouse
300 Quarropas Street
White Plains, New York 10601-4150



17321.00053

Re: *Schlenger v. IBM Corporation and Gary Lipson*
No. 09-CV-3986 (CS)

Your Honor:

We represent the Defendants, IBM and Gary Lipson, in this lawsuit.

By Order dated March 30, 2012, Your Honor requested that Defendants advise the Court as to whether Defendants' motion to dismiss Plaintiff's Third Amended Complaint—which we served on Plaintiff on March 15, 2012—needs to be revised in light of Plaintiff's service of a *Fourth* Amended Complaint, on April 5, 2012.

Plaintiff's Fourth Amended Complaint should be dismissed for the same reasons that require dismissal of her Third Amended Complaint, as outlined in Defendants' motion papers. Accordingly, with the exception of changing the references in Defendant's motion papers to "Fourth Amended Complaint" from "Third Amended Complaint" and making any corresponding changes to page references, nothing else in Defendants' motion papers requires amendment in light of Plaintiff's new pleading. With the Court's permission, we will send Plaintiff a corrected copy of the motion papers with these revised references (but otherwise identical to the versions served last month) forthwith.¹

Respectfully submitted,

Allan S. Bloom
of PAUL HASTINGS LLP

cc: Gail I. Auster, Esq.
Lisa Ruth Lipman, Esq.
Attorneys for Plaintiff

Application Granted ~~and Denied~~
So Ordered.

Cathy Seibel, U.S.D.J.

Dated: 4/16/12

¹ The parties have agreed to file all papers related to Defendants' motion to dismiss only after it is fully briefed.

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FAX TRANSMISSION

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from:	fax:	telephone:	initials:
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client name:	<i>Schlenger v. Fidelity Employer Servs. Co. LLC</i> , et al. No. 09-CV-3986 (CS)	client matter number:	17321.00053
date:	April 12, 2012	pages (with cover):	2

comments:

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